

**MINUTES OF A REGULAR MEETING OF
THE BOARD OF ZONING APPEALS
OF THE CITY OF JASPER, INDIANA AND PUBLIC HEARING
April 6, 2016**

Chairman Jerry Uebelhor called the Regular Meeting of the Board of Zoning Appeals to order at 6:30 p.m. Secretary Dan Buck took roll call as follows:

Jerry Uebelhor, Chairman	-Present	Randy Mehringer	-Present
Josh Gunselman, Vice Chairman	-Present	Darla Blazey Director of Community Development/Planning	-Present
Dan Buck, Secretary	-Present	Renee Kabrick, City Attorney	-Present
Matt Schaick	-Present		

PLEDGE OF ALLEGIANCE

Chairman Uebelhor led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

Minutes of the March 2, 2016 regular meeting were reviewed. Randy Mehringer made a motion to approve the minutes as presented. Vice Chairman Gunselman seconded it. The motion carried 5-0.

STATEMENT

Chairman Uebelhor read the following statement. "We are now ready to begin the public hearings scheduled for this evening. With respect to tonight's meeting and public hearings, we are hereby incorporating by reference into the record of tonight's meeting and public hearings, City of Jasper Ordinance Number 1993-17, entitled "Zoning Ordinance of the City of Jasper, Indiana and its jurisdictional area" and any and all amendments thereto, and the City of Jasper Comprehensive Plan. Audio and videotapes of these proceedings are also incorporated by reference into this evening's record."

OLD BUSINESS

Petition of Bernadette M. Pfeiffer & Edwin P. Pfeiffer, as owners, for a variance from the required road frontage for a lot in an A-1 (Agriculture) zone and a Petition of Bernadette M. Pfeiffer & Edwin P. Pfeiffer, as owners, for a special exception to allow a single-family dwelling in an A-1 (Agriculture) zone

Phil Buehler, of Brosmer Land Surveying, was present on behalf of Edwin and Bernadette Pfeiffer to request a variance and a special exception regarding 2.5 acres of vacant land they own east of Kellerville Road and north of County Road 300N. The variance request is from the required road frontage for a lot in an agriculture zone since the property does not lie along either county road. The Pfeiffers intend to sell the property and currently the only access is a private drive. The special exception request is to allow a home to be built on the property.

The public hearing was tabled at the February meeting in order to allow City staff to further research the property's records. Attorney Kabrick said it was discovered since the February meeting that Oscar Hedinger came to the Plan Commission's September 6, 1989 meeting to request a building permit to build a house on a parcel of land north of the Pfeiffer property. According to the minutes from that meeting, Mr. Hedinger was told he would have to show a roadway on the deed and any more division of said property would have to be platted.

Attorney Kabrick said a document was also found stating the family members who own pieces of the former farm land agreed to a "declaration of easement and extinguishment of roadway" document in 1995, which allowed a 20-foot ingress/egress so that they could access their properties. Kabrick explained that the document allows them to access their property; however, it does not necessarily allow them to obtain a building permit.

Following the same concerns from the neighbors at the February meeting, a motion was made by Secretary Buck to close the public hearing. Vice Chairman Gunselman seconded it. Motion carried 5-0.

Secretary Buck made a motion to deny the variance and special exception requests. Vice Chairman Gunselman seconded it. Motion carried 5-0.

Petition of Kimball Electronics Group, LLC for a variance from Section 16.035.020 (General Requirements) for an off-premise sign and a variance from Section 16.035.060 (Business and Industrial Zoning Sign Standards) for a monument sign

Phil Buehler, of Brosmer Land Surveying, was present on behalf of Kimball Electronics Group, LLC, to request an off-premise sign to be erected in the place of a former Kimball sign at the southwest corner of U.S. 231 and 12th Avenue. Kimball Electronics' Vice President John Kahle was also present. The property of the proposed sign location is owned by Kimball International, which as of October 2014 is a separate company from Kimball Electronics Group.

The public hearing was tabled last month after the board expressed some concerns and there was no representative of Kimball Electronics present. Mr. Kahle appeared before the board at tonight's meeting to present a power point and answer any questions or concerns the members might have.

The proposed 75 square-foot monument sign would be lit from inside and read, "Kimball Electronics Headquarters" with an arrow pointing west. The sign would be located 2,000 feet east of the company. The sign's intent would let people know of the company's new location. Mr. Kahle explained the hardships that would be imposed on the company if the variance was denied. One reason for the sign is to give Kimball Electronics its new identity. Another reason, according to Mr. Kahle, was due to the lack of visibility from the highway to where the headquarters is located. In conclusion, Mr. Kahle stated that if Kimball International sells the property that the proposed sign is supposedly going to be placed, the sign would be removed.

With no remonstrators present, Secretary Buck made a motion to close the public hearing. Randy Mehringer seconded it. Motion carried 5-0.

Secretary Buck made a motion to grant a variance from Section 16.035.020 (General Requirements) for an off-premise sign and a variance from Section 16.035.060 (Business and Industrial Zoning Sign Standards) for the size of the sign not to exceed 75 square feet as presented. It was seconded by Matt Schaick. Vice Chairman Gunselman voted against the motion. Motion carried 4-1.

NEW BUSINESS

Petition of Mike W. Chou, M.D., P.C. for a special exception for a professional office/medical clinic and for the following variances: (1) from Section 16.03.050(6) [off-street parking]; (2) from Section 16.035.040(4) [visual impairment]; (3) from Section 16.035.050(1)(d) [square footage of sign]

Attorney Bill Kaiser, of Bingham, Greenebaum & Doll, was present on behalf of Mike W. Chou, M.D., P.C., to request a special exception for a medical clinic to be located in an R-3 (Residential) zone at 529 W. 9th Street.

Dr. Chou, a neurosurgeon, plans to convert the property into a single-story medical office consisting of approximately 1,500 square feet. A site plan was displayed showing new construction to resemble a residential-type appearance in order to blend in with the neighborhood. There are two lots on the proposed property. The empty lot would consist of 14 parking spaces. Attorney Kaiser explained that Dr. Chou is requesting an off-street parking variance as a precaution for future use. Also requested is a variance to allow an 8-square-foot sign and a variance to allow the proposed sign to be placed within the 35-foot visual clearance triangle.

Discussion followed. Board members discussed concerns about the sign being placed in the 35-foot triangle, stating that the regulation is a safety issue for oncoming traffic. Brandon Erny, adjacent property owner, also expressed concerns of oncoming vehicles being able to see clearly at the intersection if a sign is placed at the proposed spot.

City Engineer Chad Hurm appeared before the board to share his concerns, stating that according to City ordinance, nothing is allowed anything higher than 30 inches and 10 feet from the roadway elevation within the visual triangle. He advised the board to be very specific if it approves the variance, as to exactly where the sign would be placed. Hurm also suggested rotating the sign 90 degrees.

In regards to the off-street parking, the board agreed that because the 14 parking spaces is an ample number for the medical clinic, the petitioner should come back to the board with a new request if more spaces are needed in the future.

Following discussion regarding the size of the sign and its proposed location, Attorney Kabrick advised the board to table the two variances and asked Attorney Kaiser if he could present an alternative for the sign at next month's meeting.

With all parties in agreement, Secretary Buck made a motion to table the variances regarding the sign and visual impairment. Vice Chairman Gunselman seconded it. Motion carried 5-0.

Vice Chairman Gunselman made a motion to grant a special exception to allow a medical clinic in an R-3 (Residential) zone at 529 W. 9th Street. Randy Mehringer seconded it. Motion carried 5-0.

Randy Mehringer made a motion to deny the variance regarding off-street parking. Vice Chairman Gunselman seconded it. Motion carried 5-0.

BLISS McKNIGHT PRESENTATION

Director of Community Development and Planning Darla Blazey shared with the board on behalf of Director of Personnel/Safety/Loss Control Cale Knies that Bliss McKnight is sponsoring a session titled “Public Meetings Gone Wild” to be held on April 12 at 7:00pm and April 13 at 8:00am in the Jasper City Hall Pfaffenweiler room. These sessions are opened to the public.

ADJOURNMENT

With no further discussion, Vice Chairman Gunselman made a motion to adjourn the meeting, seconded by Secretary Buck. Motion carried 5-0, and the meeting was adjourned at 8:03 p.m.

Jerry Uebelhor, Chairman

Dan Buck, Secretary

Recording Secretary, Kathy Pfister